

MINUTES

BOARD OF COMMISSIONERS

LOWER ALLEN TOWNSHIP

REGULAR MEETING

OCTOBER 13, 2008

The following were in ATTENDANCE:

BOARD OF COMMISSIONERS

John T. Titzel
Lloyd W. Bucher
Peddrick M. Young, Sr.
H. Edward Black
Dan Christ

TOWNSHIP PERSONNEL

Thomas Vernau, Manager
Daniel Flint, Community Development
John Eby, Building and Zoning Coordinator
Nancy Dietel, Finance Director
Frank Williamson, Chief of Police/Public
Safety Director
Danna Lutes, Township Secretary
Geir Magnusson, Planning Commission
Steven P. Minor, Solicitor
Trudy Metzel, Recording Secretary

President TITZEL called the Regular Meeting of the Board of Commissioners of Lower Allen Township to order at 7:30 p.m. followed by an opening prayer and the Pledge of Allegiance. He announced Proof of Publication was available for review.

AUDIENCE PARTICIPATION

President TITZEL asked if anyone in the audience would like to address any item that appears on the Agenda.

There was no response

CONSENT AGENDA

President TITZEL advised that any Commissioner, Staff member or anyone in attendance could request any item on the Consent Agenda be removed for further discussion and asked if there was any such request.

Commissioner CHRIST requested both the approval of the West Shore Recreation Commission's request for a 5% increase in the Township's annual contribution and the approval of the West Shore Recreation Commission's 2009 Budget be removed for further discussion.

Commissioner YOUNG moved to approve the items on the Consent agenda as amended, those items being:

1. Warrants Journal of September 26, 2008 in the amount of \$155,552.78. Manual Check List for September 2008 in the amount of \$325.00.
2. Drainage Plan #DP 2008-04, Soccer Fields, Parking and Trail Project, Lower Allen Community Park, 4075 Lisburn Road.
3. Executing the Standard Stormwater Facilities and BMP Maintenance and Monitoring Agreement with Lower Allen Township for Drainage Plan #DP 2008-04, Soccer Fields, Parking and Trail Project Lower Allen Community Park, 4075 Lisburn Road.
4. Executing an Indemnification Agreement with William and Sheryl Sanders of 1431 Sconsett Way for a retaining wall in the right-of-way of Lowell Lane.
5. Request for Improvement Security Reduction No. 3 for SLD Docket No. 2006-06, Village at Fair Oaks, establishing a new amount of \$35,698.41 and a new expiration date of October 13, 2009.
6. Payment of Application #17 & 18 for Electrical work from Herre Bros., Inc. in the amounts of \$8,961.03 and \$8,669.94. This payment includes retainage and will close out the Electrical Contract on the Municipal Services Center.
7. Payment of Application #16 for HVAC work from Silvertip, Inc. in the amount of \$5,000. This payment is for retainage and will close out the HVAC Contract on the Municipal Services Center.

Commissioner CHRIST seconded the motion. Motion carried 5-0.

DISCUSSION AND ACTION: WEST SHORE RECREATION COMMISSION'S REQUEST FOR A 5% INCREASE IN THE LOWER ALLEN TOWNSHIP'S ANNUAL CONTRIBUTION FROM, \$28,253 TO \$29,665. THIS REPRESENTS A PER CAPITA RATE OF \$2.814.

Commissioner CHRIST inquired if answers to the request for usage data have been received from the West Shore Recreation Commission. Mr. Vernau advised that the data has not been received. Commissioner BLACK advised that the Commissioners should have received a letter from WSRC with rationale as to why it should not be considered on usage. Discussion ensued.

Vice-President BUCHER moved to table action on the West Shore Recreation Commission's request for a 5% increase in Lower Allen Township's annual contribution until the requested information is received. Commissioner CHRIST seconded the motion. Motion carried 5-0.

TABLE WEST SHORE RECREATION COMMISSION'S 2009 BUDGET

Vice-President BUCHER moved to table action on the West Shore Recreation Commission's 2009 Budget until the requested usage data has been received. Commissioner CHRIST seconded the motion. Motion carried 5-0.

APPROVE ORDINANCE 2008-05, AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AUTHORIZING THE EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE TOWNSHIP AND VERIZON OF PENNSYLVANIA, INC.

Vice-President BUCHER moved to approve **Ordinance 2008-05**, an ordinance of the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, authorizing the execution of a Cable Franchise Agreement between the Township and Verizon of Pennsylvania, Inc.

Roll call vote: Commissioner Black : Aye
 Vice-President Bucher: Aye
 President Titzel : Aye
 Commissioner Christ : Aye
 Commissioner Young : Aye

APPROVE RESOLUTION 2008-R-29, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, RECOGNIZING, COMMENDING, AND HONORING RYAN P. MILLETICS FOR ATTAINING THE RANK OF EAGLE SCOUT

Commissioner CHRIST moved to approve **Resolution 2008-R-29**, a resolution of the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, recognizing, commending and honoring Ryan P. Milletics for attaining the rank of Eagle Scout. Commissioner YOUNG seconded the motion. Motion carried 5-0.

ANY BUSINESS PERTINENT TO THE TOWNSHIP. DISCUSSIONS WILL BE LIMITED TO FIFTEEN (15) MINUTES PER PERSON

President TITZEL asked if anyone in the audience would like to address the Commissioners on any business pertinent to the Township.

Andrianna Klitch, Upper Allen Township, identified herself to the Commissioners. Ms. Klitch previously addressed the Commissioners at the public hearing regarding the Liberty Forge project and followed up on several of her comments from the public hearing. Ms. Klitch thanked the Commissioners for their time.

Jonathan Vipond, 3728 Lisburn Road, identified himself to the Commissioners. Mr. Vipond addressed the Liberty Forge project. Mr. Vipond thanked the Commissioners for their time.

President TITZEL thanked Ms. Klitch and Mr. Vipond for their comments.

ADMINISTRATIVE SERVICES

Discussion: West Shore Tax Bureau's 2009 Proposed Budget and Township Representation

Mrs. Dietel advised the Commissioners that a resolution for approval of the West Shore Tax Bureau's 2009 Proposed Budget and Township's representation for 2009 will be on the October 27, 2009 agenda.

General discussion ensued regarding the proposed budget.

Commissioner CHRIST advised that he would be happy to continue in the capacity of Township Representative. Vice-President BUCHER agreed to continue in the capacity of Alternate.

Discussion: Review Refuse Rate for 2009

Mrs. Dietel reviewed for the Commissioners what was discussed last year regarding the 2-year extension with York Waste as far as refuse fees. Mrs. Dietel further advised that in 2009 the Township will be going out for bid for refuse services. Discussion ensued.

Discussion: Scheduling Budget Discussion Meetings

Mrs. Dietel advised the Commissioners that Budget discussion meetings need to be scheduled. Discussion ensued. Budget presentation and some discussion would be a possible agenda item for October 27, 2008, depending on the size of the agenda. The meeting time will be 7:00 p.m. instead of 7:30 p.m. to allow adequate time for discussion if it is an agenda item. Public Safety will be discussed on November 3 beginning at 7:00 p.m. The remaining departments will be discussed on November 7, 2008 also beginning at 7:00 p.m.

PUBLIC SAFETY

Discussion and Possible Action: Sale of Township's 800 mHz Trunked Radio System

Mr. Williamson advised the Commissioners that since the fall of 2007 the Township's 800 mHz Trunked Radio System has not been in use and has been sitting dormant. Adams County is interested in purchasing this system and equipment for \$10,500.

Mr. Williamson further advised the Commissioners that since moving to the new Municipal Services Building it was discovered that the line of sight required for microwave applications was not nearly as good as from the old Township Building. A tower will have to be added to the side of the new building near the public safety entrance in order to gain a clear line of sight in order for the Firehouse NIFRS reporting system from Station #2 to be placed back in service.

Mr. Williamson stated that sale of the old 800 mHz System would offset the costs of installation and equipment, including tower construction, to reestablish the microwave link to Station #2.

Discussion ensued.

Commissioner YOUNG moved to authorize the Public Safety Department to enter into an agreement to sell the Township's 800 mHz Trunked Radio System to Adams County for \$10,500. Commissioner CHRIST seconded the motion. Motion carried 5-0.

Mr. Williamson was further directed to investigate FIOS and report his findings to the Commissioners.

COMMUNITY DEVELOPMENT

Discussion: Zoning Hearing Board Dockets

Mr. Eby advised the Commissioners that there are no new dockets for this week's public hearing.

Mr. Eby further advised that last month three dockets were heard:

1. **Docket 2008-05:** Continued until this week to allow for additional advertising. The applicant is proposing to reuse the old Stephenson Flower Shop on Locust Street to establish a dog grooming and day care facility. During the course of the public hearing it was determined that while dogs will not be boarded overnight, technically what is being proposed meets the definition of a kennel. The applicant amended her request for a variance from the requirement that a kennel be at least 200-feet from all lot lines. There is no proposal to board dogs overnight. If the variance is approved, it would be restricted.

The Solicitor was directed to participate in the original public hearing and it was Staff's recommendation that he participate in the continued hearing.

The Commissioners authorized the Solicitor to participate in this hearing.

2. **Docket 2008-06 – 2249 Orchard Road:** This request was to obtain a variance to allow a single-family dwelling to be converted to a two family-unit. The variance was approved. The Solicitor participated in this docket.
3. **Docket 2008-07 – 1202 Carlisle Road:** This request was to erect a fence taller than 3-1/2' in the front yard. The property is at the corner of Stafford and Carlisle Roads. The variance was approved. The Solicitor participated in this docket.

Discussion Indemnification Agreement for Sidewalk in the Manor at Fair Oaks, Phase 2

Mr. Flint advised the Commissioners that a situation developed several years ago regarding the method used to install sidewalk at driveway connections. Some of the developers used a method different than what the Township was ordinarily requires. Mr. Flint explained the situation and deferred to Mr. Bob Walker, who was representing the developer. Mr. Bob Walker explained the Indemnification Agreement and that he would be directly contacting the affected homeowners. Discussion ensued.

This will be an agenda item after receipt of all signed agreements.

Discussion: Release of Improvement Security for Tressler Project, aka Executive Park West

Mr. Flint advised the Commissioners that a request has been received for release of Improvement Security for the Tressler Project, aka Executive Park West. Inspection needs to be completed.

This is a possible agenda item for October 27, 2007.

MANAGER

Discussion: Procedures and Costs for Creating a Development Authority

Mr. Vernau reviewed for the Commissioners the procedures and costs for creating a development authority. Discussion ensued.

Mr. Vernau was directed to proceed with the creation of a development authority.

Discussion: Site Visit Report from Acoustic Dimensions Regarding Gorgas Hall

Mr. Vernau reviewed the report from the site visit from Acoustic Dimensions regarding Gorgas Hall. Cost of recommended improvements would be \$4,212. Discussion ensued.

Letter of Representation from Verizon

Mr. Vernau advised the Commissioners that a representative from Verizon was present and had a Letter of Representation for signature. If a third party were to challenge the validity of the Franchise Agreement with Verizon, Verizon's attorney would handle the defense.

Mr. Vernau was directed to sign the Letter of Representation from Verizon.

RECESS TO EXECUTIVE SESSION

The Regular Meeting of the Board of Commissioners recessed to Executive Session at 9:05 p.m. for the following legal purpose:

1. Weis Markets assessment appeal.

RECONVENE REGULAR MEETING

The Regular Meeting of the Board of Commissioners reconvened at 9:20 p.m.

WEIS MARKETS INC. V. CUMBERLAND COUNTY BOARD OF ASSESSMENT APPEALS

Commissioner CHRIST moved to proceed with Weis Markets Inc. v. Cumberland County Board of Assessment. Commissioner BLACK seconded the motion. Motion carried.

OTHER BUSINESS

Commissioner CHRIST inquired if there was feedback on the tours on Saturday. Mr. Vernau responded that all comments were positive.

Commissioner YOUNG complemented staff on the excellent job on Saturday.

ADJOURN

The Regular Meeting of the Board of Commissioners adjourned at 9:30 p.m.

ATTENDANCE REGISTER

An Attendance Register is made part of this record.